

Resolution Relating to

LEASE AGREEMENT WITH CSWD

CITY OF BURLINGTON

In the year Two Thousand Ten.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the Chittenden Solid Waste District has operated a composting facility in the Burlington Intervale and is now in the process of designing and permitting a new composting facility in Williston; and

WHEREAS, in a Settlement Agreement with the Vermont Attorney General, CSWD must reduce its operational footprint and on-site storage capacity in the Intervale down to 10,000 cubic yards by June 30, 2010; and

WHEREAS, in order to accomplish the above, CSWD has engaged in negotiations with the Community & Economic Development Office (CEDO) for the CSWD to use a portion of the site of the proposed future Intervale Community Food Enterprise Center on Intervale Road for the purpose of short-term storage of finished compost and leaves; and

WHEREAS, CSWD and CEDO have agreed to a proposed lease (see attached) to cover a seven month period dating from June 15, 2010 until January 15, 2011; and

NOW, THEREFORE, BE IT RESOLVED that City Council hereby authorizes Mayor Bob Kiss, on behalf of the City, to execute a Lease, in substantially the form attached hereto, between the City of Burlington and the Chittenden Solid Waste District, subject to the prior review and approval of the City Attorney.

lj/RH/c: Resolutions/Lease Agreement with CSWD
6/2/10

RESOLUTION

Sponsor(s): Bd of Finance:

Councilors Keogh, Wright, Paul

Introduced: 06/07/10

Referred to:

Action:

Date:

Signed by Mayor:

Resolution Relating to

RESOLUTION RELATING TO GENERAL OBLIGATION BONDS FOR PUBLIC IMPROVEMENTS FOR CITY FIRE DEPARTMENT

CITY OF BURLINGTON

In the year Two Thousand and Ten CITY OF BURLINGTON

Resolved by the City Council of the City of Burlington, as follows:

WHEREAS, the City Fire Department has identified the need for the acquisition of new fire fighting vehicles and other apparatus and refurbishing a third fire truck; and

WHEREAS, the voters at the March 2, 2010 annual meeting of the City authorized the issuance of general obligation bonds or notes in an amount not to exceed \$1,325,000 for the purpose of carrying out capital improvements in the City's Fire Department for the acquisition of fire fighting vehicles and other apparatus and refurbishing a third fire truck;

NOW THEREFORE, BE IT RESOLVED that the City Council determines that it is necessary to pledge the credit of the City through the issuance of general obligation bonds in an amount not to exceed \$1,325,000 (the "Bonds") for the aforesaid purposes and upon prior approval of the Board of Finance, does so authorize the pledging of the City's credit, the form of the evidence of indebtedness to be issued, the terms and conditions thereof, including interest rate, maturity, payment schedule, and such other requirements as may be necessary, are to be determined by the Chief Administrative Officer.

The Bonds, when issued and delivered, shall be valid and binding general obligations of the City payable according to the terms and tenor thereof from unlimited ad valorem taxes duly assessed on the grand list of all taxable property in the City.

Pending the issuance of the Bonds, the City may issue bond anticipation notes, in one or more series, in an aggregate principal amount not to exceed \$1,325,000, as determined by the City's Chief Administrative Officer, upon prior approval of the City's Board of Finance; in the event such bond anticipation notes are issued, the form of the evidence of the bond anticipation notes to be issued, the terms and conditions thereof, including interest rate, maturity, payment schedule, and such other requirements as may be necessary, are to be determined by City's Chief Administrative Officer, upon prior approval of the City's Board of Finance.

The Mayor and Chief Administrative Officer are, and each one of them is, hereby authorized and directed to prepare an Official Statement of the City as they deem necessary in the City's best interest. The Mayor and the Chief Administrative Officer are, and each one of them is, hereby authorized to execute and deliver a final Official Statement and to execute and deliver all other documents and instruments necessary or convenient in connection with the issuance of the Bonds and any bond anticipation notes.

RESOLUTION

Sponsor(s): Board of Finance

Introduced: 06/07/10

Referred to: _____

Action: _____

Date: _____

Signed by Mayor: _____

AND, BE IT FURTHER RESOLVED that it is the official intent of the City Council to reimburse some capital expenditures made within the fiscal year with the proceeds of this borrowing, in accordance with Section 1.103-18 of the Internal Revenue Service tax regulations.

Resolution Relating to

RESOLUTION
Councilors Mulvaney-Stanak,
Sponsor(s): Caldwell
Introduced: 06/07/10
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

DESIGNATION OF POLLING PLACE
FOR WARD 3

CITY OF BURLINGTON

In the year Two Thousand Ten.....

Resolved by the Bd. of Civil Authority of the City of Burlington, as follows:

That WHEREAS, the State Primary Election and the November State General Election will be held on August 24, 2010 and November 2, 2010 respectively; and

WHEREAS, the Burlington School Department has stated that Lawrence Barnes School will be unavailable due to construction on August 24, 2010 and November 2, 2010 and therefore unavailable for hosting elections as a polling place; and

WHEREAS, the management of Saint Joseph's has granted permission to use the facilities as a polling place; and

WHEREAS, state statute, 17 V.S.A. § 2501, requires the Board of Civil Authority to designate polling places;

NOW, THEREFORE, BE IT RESOLVED that the Burlington Board of Civil Authority hereby designates the Saint Joseph's School Cafeteria at 20 Allen Street as the WARD THREE polling place for the State Primary Election to be held on August 24, 2010 and the State General Election to be held on November 2, 2010: and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Burlington Board of Civil Authority hereby designates Lawrence Barnes School as the WARD THREE polling place for elections occurring after November 2, 2010.

Resolution Relating to

ALLOCATION METHOD AND STANDARDS FOR
COMMON AREA FEES OF THE CHURCH STREET
MARKETPLACE FOR FISCAL YEAR 2011

RESOLUTION
Sponsor(s): Councilor Shannon
Introduced: 06/07/10
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Ten.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, Sec. 326 of the City Charter provides that common area fees may be levied on taxable properties located within the Church Street Marketplace District to defray the expenses of the Commission in connection with the operation, maintenance and repair of the Marketplace; and

WHEREAS, Sec. 326(b) of the City Charter provides that the City Council, after public hearing and after considering the advice of the Marketplace Commission, shall establish standards to aid in the determination of individual common area fees; and

WHEREAS, on March 16, 1992 the City Council resolved that the common area fees for the Church Street Marketplace shall be allocated on the basis of total ground floor square footage of buildings within the Marketplace District and that this method of allocation shall be fixed in order to provide predictability, stability and foster long term planning and investment by property owners in the Marketplace District; and

WHEREAS, the Marketplace Commission, after its own public hearing on May 19, 2010, proposed for Marketplace properties, excluding 37-43 Church St. (Old Navy) and 47-55 Church St. (Burlington Town Center), a common area fee of \$2.56 per square foot or \$496,437; and

Resolution Relating to

ALLOCATION METHOD AND STANDARDS FOR COMMON AREA FEES OF THE CHURCH STREET MARKETPLACE FOR FISCAL YEAR 2010

WHEREAS, in 2004 the Church Street Marketplace Commission and the City Council approved the following common area fee strategy, that effects 37-43 Church St. (owned by Pomerleau Real Estate) and 47-55 Church St. (owned by General Growth Properties), the two properties with the largest amount of square footage:

1. These properties pay no more than 80% of the established common area fee each fiscal year:
 - properties occupied by a single tenant that operate within the confines of a single retail enterprise, in excess of 20,000 square feet on the ground floor of the property, directly fronting Church Street Marketplace
 - enclosed regional shopping malls which have, within the confines of the Marketplace district or directly connected to it, total gross leaseable area in excess of 150,000 square feet. This exception applied to Burlington Square Mall, now called Burlington Town Center.
2. The continuation of this formula for Burlington Town Center is based on a mutually agreeable joint marketing program between Burlington Town Center and the Church Street Marketplace, approved by our two organizations April, 2005 and reviewed annually.

WHEREAS, the Common Area Fee will be \$2.05 per square foot or \$50,946 for 47-55 Church Street (Burlington Town Center) and \$2.05 per square foot or \$49,123 for 37-43 Church Street (Old Navy) in FY 2011. (These properties have traditionally paid a lower common area fee, based on a 1991 Marketplace Commission policy applicable to anchor stores and malls exceeding 20,000 square feet.); and

WHEREAS, the Marketplace Commission recommends that the standards and common area fees in the total amount of \$596,508 set forth in Attachment A appended hereto be adopted; and

Resolution Relating to

**ALLOCATION METHOD AND STANDARDS FOR
COMMON AREA FEES OF THE CHURCH STREET
MARKETPLACE FOR FISCAL YEAR 2010**

WHEREAS, City Charter Sec. 326(c) requires that the City Council finally set such common area fees after public hearing, of which all interested parties receive 12 days notice as to time and place;

NOW, THEREFORE, BE IT RESOLVED that the City Council, pursuant to City Charter Sec. 326(b), hereby establishes standards and levies common area fees for 2010-2011 as set forth in Attachment A; and

BE IT FURTHER RESOLVED that the City Council shall finally set common area fees on or before June 28, 2010; and

BE IT FURTHER RESOLVED that a public hearing on the above-referenced assessment of common area fees shall be held on June 28, 2010.

PUBLIC HEARING NOTICE

City of Burlington, Monday, June 7, 2010, 7 p.m., Burlington City Council, Contois Auditorium, City Hall. Public hearing to establish annual standards, levies for common area fees for the Church Street Marketplace District FY 11. To be allocated on basis of total ground floor square footage of buildings w/in Marketplace District. Method of allocation shall be fixed to provide predictability, stability and foster long term planning and investment by property owners in the Marketplace District. For information, contact Ron Redmond, 802-865-7254 or ron.redmond.vt@gmail.com.

City of Burlington, Monday, June 28, 2010, 7 p.m., Burlington City Council, Contois Auditorium, City Hall. Public hearing to be held to set annual common area fee in the Church Street Marketplace District for FY 11; no fee increase is planned for FY 11. For information, contact Ron Redmond, 802-865-7254 or ron.redmond.vt@gmail.com.

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2 **Resolution Relating to**
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RESOLUTION _____
Sponsor(s): Councilors _____
Shannon, Kehoe _____
Introduced: 06/07/10 _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

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7 THE ELECTION OF A MAYOR BY MAJORITY OF VOTERS
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12 **CITY OF BURLINGTON**
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14 In the year Two Thousand Ten.....

15 Resolved by the City Council of the City of Burlington, as follows:
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17 That WHEREAS, throughout the years there has been ongoing discussion in
18 Burlington on how best to reflect the will of the majority of voters in electing a mayor when
19 more than two candidates are seeking the office; and

20 WHEREAS in March 2005 the voters of Burlington with the subsequent approval of the
21 Vermont General Assembly amended the Burlington City Charter to establish a so-called instant
22 runoff process to elect a mayor, and increasing the required percentage of votes to win the
23 election from 40% to 50%; and

24 WHEREAS the instant runoff process and the 50% requirement was implemented in
25 Burlington mayoral elections in 2006 and 2009; and

26 WHEREAS in March 2010 Burlington voters with the subsequent approval of the
27 Vermont General Assembly amended the Burlington City Charter by removing the provision for
28 instant run off voting in a mayoral election and decreasing the minimum required percentage of
29 votes to elect a mayor from 50% to 40% ; and

30 WHEREAS the current City Charter provisions allow for a mayor to be elected with a
31 plurality of 40% of the votes cast, not a majority of votes cast; and

32 WHEREAS the will of the majority of the voters in a mayoral election is best expressed
33 by requiring that a mayor be elected with a majority of 50% plus one votes;
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37 **Resolution Relating to** THE ELECTION OF A MAYOR BY
38 MAJORITY OF VOTERS

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40 NOW THEREFORE BE IT RESOLVED that the City Council directs its Charter Change
41 Committee to draft an amendment to the City Charter that requires that a mayor be elected by a
42 majority of the votes cast at the annual City Meeting or in a subsequent election(s) if no
43 candidate receives a majority of votes cast at the annual City Meeting; and

44 BE IT FURTHER RESOLVED that the Charter Change Committee holds hearings on the
45 proposal; and

46 BE IT FURTHER RESOLVED that the Charter Change Committee delivers a draft
47 amendment to the City Charter no later than the August 9, 2010 City Council meeting.

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53 lj/Resolutions/Election of mayor by majority of voters
54 6/1/10

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2 **Resolution Relating to**
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7 **NECESSARY IMPROVEMENTS TO THE**
8 **BURLINGTON WATERFRONT BIKEPATH**
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RESOLUTION _____
Sponsor(s): Councilor _____
Wright _____
Introduced: 06/07/10 _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

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12 **CITY OF BURLINGTON**
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14 In the year Two Thousand Ten.....

15 Resolved by the City Council of the City of Burlington, as follows:
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17 That WHEREAS, the Burlington Waterfront Bike Path, a crown jewel of the Queen
18 City and one of the first of its kind in Vermont, is a 7.5-mile transportation and recreation
19 corridor created out of a former railroad bed that runs from the southern end of Burlington at
20 Oakledge Park to the northern end at the Winooski River, where it connects via bike path bridge
21 to the Colchester Bike Path; and

22 WHEREAS, the Waterfront Bike Path, while offering spectacular views of Lake
23 Champlain and the Adirondack Mountains to the west, also links six major waterfront parks, as
24 well as Burlington High School, services at the Ethan Allen Shopping Center, the Central
25 Downtown Business District, UVM--the latter two destinations in part by providing access to the
26 free College Street shuttle--and has been identified as a major corridor in Chittenden County as
27 mentioned in the Burlington Alternative Transportation Path Master Plan and the Lake
28 Champlain Bikeways program; and

29 WHEREAS, the Waterfront Bike Path is part of a larger bike path network that draws
30 many tourists to the region and residents of Burlington and many surrounding towns use it on a
31 regular basis for transportation, recreation, and fitness; and

32 WHEREAS, the Waterfront Bike Path was completed in 1986 with both State and
33 Federal funding and, utilized by an estimated 150,000 bicyclists, walkers, joggers and in-line

35 **Resolution Relating to** NECESSARY IMPROVEMENTS TO THE
36 BURLINGTON WATERFRONT BIKEPATH
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38 skaters annually, it is among Burlington's most popular amenities but it is showing signs of
39 significant deterioration; and

40 WHEREAS, the Burlington Bike Path Improvement Feasibility Study of March 19, 2009
41 rightly noted that the City is committed to upgrading and rehabilitating the path to protect this
42 important asset; and

43 WHEREAS, the overall goal of the project is to upgrade the Bike Path to current
44 standards where possible and make the Bike Path safer, more user friendly, and better able to
45 meet consumer demand; and

46 WHEREAS, the Feasibility Study noted that improvements are "critical to the
47 sustainability of Burlington's on- and off-road network of bicycle and pedestrian routes. The
48 bike path is critical as a transportation mode and recreation path between the south and north
49 ends of the City. In addition, the bike path carries a large volume of bicycle and pedestrian
50 traffic into Burlington's downtown."; and

51 WHEREAS, both the Departments of Parks and Recreation and Public Works are already
52 undertaking efforts to repair deteriorated sections of the Waterfront Bike Path, recently including
53 a section south of the barge canal bridge and north of the Bike Path entrance onto Central
54 Avenue; and

55 WHEREAS, this Council well recognizes that such repairs to the Bike Path, while costly,
56 are also essential because of the great value which the Bike Path brings to Burlington in terms of
57 not only quality of life but in terms of the tourists which it draws who help stimulate our local
58 economy and, failing to find sufficient funds to allocate to this effort the Council now states its
59 position that other non-essential funds in the Parks and Recreation budget should be scrutinized
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62 **Resolution Relating to** NECESSARY IMPROVEMENTS TO THE
63 BURLINGTON WATERFRONT BIKEPATH
64

65 for savings until such time as the City might prevail upon the Congressional delegation to
66 successfully aid this effort with Federal funding;

67 NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council requests that
68 both the Departments of Parks and Recreation and Public Works send representatives to the June
69 14, 2010 meeting of the Council in order to provide an update of Bike Path improvement efforts
70 and future plans for such efforts, including a prioritization of what repairs are needed first and
71 where along the path they would be located, and also including a delineation or estimation of
72 costs of these efforts, as may be appropriate, and the plans for addressing them; and

73 BE IT FURTHER RESOLVED that while some of the necessary improvements are being
74 funded by revenues realized from the Penny for Parks tax, the Department of Parks and
75 Recreation is requested to consider and advise whether the amount is optimal and whether more
76 money from the Penny for Parks fund should be dedicated to the effort; and

77 BE IT FURTHER RESOLVED that, in recognizing that the need is perhaps greater than
78 the supply of resources currently available, the two Departments are requested to suggest any
79 potential sources of money to cover the costs of the improvements which might not be currently
80 under consideration.

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3 **Resolution Relating to**
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7 ESTABLISHING THE DOWNTOWN TAX
8 INCREMENT FINANCING DISTRICT AND
9 AUTHORIZATION TO MAKE APPLICATION TO THE
10 VERMONT ECONOMIC PROGRESS COUNCIL FOR APPROVAL
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13 **CITY OF BURLINGTON**
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15 In the year Two Thousand Ten.....

16 Resolved by the City Council of the City of Burlington, as follows:

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18 That WHEREAS, Tax Increment Financing is a critical tool for the City to have in its
19 economic toolbox to provide revenues beyond normal municipal revenue sources, for those
20 infrastructure improvements that serve the Designated Downtown and are essential to enable and
21 stimulate development or redevelopment within the district, provide for employment
22 opportunities, improve and broaden the tax base, and enhance the general economic vitality of
23 the municipality, the region, and the state (*See 24 VSA §1893*); and

24 WHEREAS, for the City of Burlington to remain healthy and economically vibrant
25 regional center it must continue to make substantial public investments that encourage private
26 investment and development in our community; and

27 WHEREAS, a Tax Increment Financing district will provide the City with the
28 supplemental funds necessary to make public investments that enable beneficial, planned
29 development and redevelopment, provide for employment opportunities, improve and broaden
30 the tax base and enhance the general economy of the City; and

RESOLUTION

Sponsor(s): CDNR Comm: _____
Councilors Brezniak, Mulvaney-Stanak, Adrian _____

Introduced: 06/07/10

Referred to: _____

Action: _____

Date: _____

Signed by Mayor: _____

32 **Resolution Relating to** ESTABLISHING THE DOWNTOWN TAX
33 INCREMENT FINANCING DISTRICT AND
34 AUTHORIZATION TO MAKE APPLICATION TO THE
35 VERMONT ECONOMIC PROGRESS COUNCIL FOR
36 APPROVAL
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38 WHEREAS, the City of Burlington is responsible for developing and maintaining all
39 public infrastructure and facilities necessary for the continued success and development of its
40 Designated Downtown; and

41 WHEREAS, Burlington will be economically strengthened through continued public
42 improvements and private investments to public infrastructure and facilities; and

43 WHEREAS, new real property development would not likely occur or would occur in a
44 significantly different and less desirable manner without the use of Tax Increment Financing;

45 NOW, THEREFORE, BE IT RESOLVED that the City Council establishes the
46 Downtown Tax Increment Finance district with boundaries as shown on the map attached hereto
47 as Exhibit A, which map shall be recorded with the Office of the City Assessor along with this
48 Resolution; and

49 BE IT FURTHER RESOLVED that the City Council pledges that a minimum of seventy-
50 five percent (75%) of the incremental City property tax revenues received from properties within
51 the Downtown TIF District shall, during the legal life of the district, be allocated solely towards
52 the retirement of debt incurred pursuant to the approved TIF District Plan in keeping with the
53 provisions of 24 VSA §1897(a), representing the utilization of incremental City property tax
54 receipts in the same proportion as the utilization of incremental education property tax revenues
55 for the purposes in the TIF District Plan; and

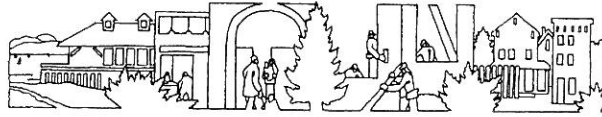
56 BE IT FURTHER RESOLVED that the City Council authorize the Community &
57 Economic Development Office to submit the full application for the Downtown Tax Increment
58 Financing District to the State of Vermont Economic Progress Council, with this Resolution
59 representing the City's positive vote to establish the Downtown TIF District as delineated on

61 **Resolution Relating to** ESTABLISHING THE DOWNTOWN TAX
62 INCREMENT FINANCING DISTRICT AND
63 AUTHORIZATION TO MAKE APPLICATION TO THE
64 VERMONT ECONOMIC PROGRESS COUNCIL FOR
65 APPROVAL
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68 Exhibit A and its pledge to reserve seventy-five percent (75%) of incremental City tax
69 revenues towards the retirement of TIF debt incurred.

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lj/rwh/c: Resolutions/Tax Increment Financing District – application process to renew
6/1/10



COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

ROOM 32 • CITY HALL • BURLINGTON, VERMONT 05401
(802) 865-7144 • (802) 865-7142 (TTY) • (802) 865-7024 (FAX)

www.cedoburlington.org

June 7, 2010

TO: Burlington City Council
From: Larry Kupferman

Re: Downtown Tax Increment Financing (TIF) district application and resolution

The Community Development and Neighborhood Revitalization Committee heard the Downtown Tax Increment Financing application presentation at its meeting on 5/12/10 and approved forwarding the attached resolution entitled "Resolution Establishing the Downtown Tax Increment Financing District and Authorization to Make Application to the Vermont Economic Progress Council for Approval".

Tonight's presentation will take City Council through the application process as well as describe the proposed district boundaries. We are proposing that the district be contained entirely within the Burlington Designated Downtown District excluding a number of parcels we feel will not be further developed in the time frame allowed by statute.

We ask Council to take action on the resolution that approves the proposed boundary, pledges that a minimum of 75% of the incremental City property tax revenues received from properties within the Downtown TIF District be allocated for the retirement of debt incurred for public amenities, and authorizes the full application be submitted to the State Economic Progress Council for their consideration.

The application for a Downtown TIF District is an important tool to encourage economic revitalization in the Downtown District and is the first step in realizing the potential for sites that are contemplated for development purposes.